

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.**

906 WRIT PETITION NO.5223 OF 2022

**GANESH TULSHIRAM SAWKE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

.....
Mr. Balaji S. Chondhekar, Advocate for the petitioner
Mr. S. P. Tiwari, AGP for respondent/State
.....

**CORAM : RAVINDRA V. GHUGE
AND
ANIL L. PANSARE, JJ.**

DATE : JUNE 21ST, 2022

PER COURT : -

1. The petitioner has put forth prayer prayer clause 'B' and 'C'
as under : -

B] To quash and set aside the communication/letter dated 30.11.2015 bearing No. ZPH/SPV/Astha/Kavi/ 493/15 issued by respondent No. 3 Chief Executive Officer, Zilla Parishad, Hingoli by issuing appropriate writ in the nature of direction in the interest of justice.

C] By issuing appropriate writ in the nature of direction and order to direct the respondents to allow the proposal of petitioner for the compassionate appointment category and for that purpose direct the respondents to add the name of the petitioner in seniority list maintained for compassionate appointment category in Hingoli district.

2. The following factors need to be considered : -

[a] The father of the petitioner, who was a primary teacher, passed away while in service on 12.07.2009.

[b] At the time of his death, the petitioner was 13 years old, his younger brother was 11 years old and his youngest brother was 6 years old (date of birth 04.06.2003).

[c] The petitioner became an adult in 2014 and belatedly moved an application seeking compassionate appointment on 15.07.2015.

[d] The State of Maharashtra has issued a Government Resolution dated 20.03.2001 in relation to appointment on compassionate basis and has resolved by giving gestation period of nine months thereby permitting the birth of the third child upto 31.12.2001, meaning that the family would be disentitled for seeking compassionate appointment to any of the eligible member, if the third child is born on 01.01.2002.

[e] The application of the petitioner was rejected on the ground that his father had three children and the third child was born after two and half years of the cut off date.

3. In view of the above, we are unable to entertain this petition and the same is, therefore, dismissed.

[ANIL L. PANSARE]
JUDGE

[RAVINDRA V. GHUGE]
JUDGE